

## **REMARKS**

Applicant has carefully reviewed the Office Action dated January 22, 2007. Applicant has amended Claims 1 and 2 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as being anticipated *Tsai*. This rejection is respectfully traversed with respect to the claims as currently presented.

Applicant's present inventive concept, as defined by the amended claims, is directed towards the concept of creating a drawing layer that is used to then create a mask. This drawing layer provides an indicator that will always be visible on the mask after creation thereof as a positive pattern regardless of whether the drawing layer is for a clear tone mask or for a dark tone mask. Thus, the indicator is formed such that the mask will have a resultant "positive pattern" visible to the user at the mask level. This will indicate at a glance that the mask has been manufactured correctly. Even though a pattern region will exist in both the dark tone mask and the clear tone mask, one pattern region will be a visible pattern wherein the other pattern region will be the negative on the actual mask that is formed. On the mask that is formed, however, the indicator region on the mask will be a positive visible pattern from both the dark tone mask and the clear tone mask.

The *Tsai* reference is a reference that creates a pattern on the semiconductor substrate for the purpose of comparing two layers and the offset thereof. The concept is that there will be a resultant visible pattern "on the substrate" after manufacturing thereof. However, on the mask, this will be just the opposite with respect to Applicant's present inventive concept. The purpose of Applicant's method is to look at the mask and not the substrate, as there is no necessity for an indicator on the substrate. Thus, in one mask, there will be a visible pattern which will result in the negative of that visible pattern when the substrate is etched, as the visible pattern in one mask will indicate matter to be etched. In the *Tsai* reference, the pattern on the mask must always be the same to result in creation of a pattern. Thus, if one were forming a via, then the mask would have to have the negative of the indicator in order to provide resultant material on the substrate, as the positive visible pattern on the mask would result in "removal" of matter from the

substrate. Thus, the concept in *Tsai* is to leave material on the substrate and the appearance of the mask is not discussed or even a concern to *Tsai*. As such, Applicant believes that *Tsai* does not anticipate Claims 1 and 2 under 35 U.S.C. § 102(e) and, therefore, respectfully requests the withdrawal thereof.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination over *Tsai* in view of *Hirooka*. This rejection is respectfully traversed with respect to the claims as currently presented.

The addition of the *Hirooka* reference does not cure the deficiencies in *Tsai* as noted herein above and, therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) with respect thereto.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/CYGL-26,421 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
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